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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,642	06/05/2006	Alexander Mark Van Der Lee	NL031449	5413
24737 7590 02/05/2009 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
			EXAMINER LEE, NICHOLAS J	
			ART UNIT 2627	PAPER NUMBER
			MAIL DATE 02/05/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/581,642

**Applicant(s)**

VAN DER LEE ET AL.

**Examiner**

NICHOLAS LEE

**Art Unit**

4134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 6/5/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-893)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent Pub. 2002/0191499 A1 to Ando et al ("Ando").

As to claims 1 and 11, Ando discloses an optical disc, a two dimensional storage medium, wherein calibration bits and user data are stored at one or more locations. The data structure of an optical disc is disclosed in Fig. 18 and Fig. 19. As shown in Fig. 18, the optical recording medium is comprised of a data zone where user data is stored and a control data zone where calibration bits are stored. Ando further discloses a control data zone wherein calibration data such as speed, data area allocation, and reading power are stored (§¶ 0168, 0173-0174, 0178-179).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Pub. 2002/0191499 A1 to Ando et al ("Ando") in view of US Patent No. 5,774,444 to Shimano et al ("Shimano").

As to claim 2, see the discussion of Ando above. Ando fails to disclose a method of reading out user data comprising successively illuminating portions of a said optical storage media with incident electromagnetic radiation.

Shimano discloses a method of recording/ reproducing information from an optical storage media comprising radiating an optical medium with a semiconductor laser, detecting the reflected light from the recording medium, and means for reproducing the signal recorded on the optical recording medium (col. 2, lines 18-21). The method further comprises arranging a plurality of detectors on the light receiving face of an optical system for detecting the reproduction light from a recording medium and by calculating the signals from the individual detectors (col. 3, lines 50-54). The semiconductor laser beam is focused on the recording medium, and the circular central portion and the peripheral portion of the reflected light are separately detected (col. 2, lines 66-67; col. 3, lines 1-3).

At the time of invention, it would have been obvious to one of ordinary skill in the art to have modified Ando with the teachings of Shimano to properly and efficiently record/ reproduce data in respect to the calibration data received from one or more known locations.

As to claim 3, Shimano further discloses that a calculation of coefficients is used for accurately reproducing information. These coefficients are obtained and used in a signal processing operation that includes a matrix multiplication as shown in equation 25 (col. 21, lines 21-26; claim 16).

As to claim 4, Shimano further discloses the method of recording/reproducing is capable of optical reading even though the optical system deteriorates due to aberrations (col. 3, lines 46-49; col. 4, lines 16-19). Shimano discloses that the light spot is distorted due to aberrations which cause a value, D, to change. The calculations of the subsequent data portion are executed by using the value D and R (col. 15, lines 45-48; col. 16, lines 1-5, lines 55-60).

As to claim 5, Shimano further discloses the optical intensities of the central and peripheral portions of a said diffracted light are detected separately to generate first and second signals, wherein the first and second signals are to taken to produce the reproduced signal for detecting said information (col. 3, lines 1-13; claim 10).

As to claim 6, see the discussion in the rejection of claim 4.

As to claim 7, Shimano further discloses that an elliptical beam is shaped into a circular beam by using beam shaping prisms (col. 6, lines 30-35). Shimano further discloses that aberrations are caused by the astigmatism of the semiconductor laser or the light source and the astigmatism due to the thickness variations of the disk substrate (col. 15, lines 52-54). In additions, see the discussion in the rejection of claim 6.

As to claim 8, the same rejection or discussion is used as the rejection of claim 2.

As to claim 9, see the discussions in the rejections of claims 4 and 8.

As to claim 10, see the discussions in the rejections of claims 4 and 8.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NICHOLAS LEE whose telephone number is (571)270-7354. The examiner can normally be reached on Monday-Friday 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lun-Yi Lao can be reached on 571-272-7671. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/NICHOLAS LEE/  
Examiner, Art Unit 4134

/LUN-YI LAO/  
Supervisory Patent Examiner, Art Unit 4134